

REMARKS

Applicants acknowledge receipt of the Office Action dated May 31, 2006, in which the Examiner required a Drawing of the invention; objected to claim 28, rejected claim 25 under § 112, and rejected claims 1-28 under § 101 as being drawn to non-statutory subject matter.

Applicants thank the Examiner for his thoroughness in examining the claims. Applicants respectfully traverse the rejections for the reasons set out below.

Drawing

Applicants thank the Examiner for his suggestion with regard to a drawing. A New Drawing is submitted herewith, along with corresponding amendments to the Specification. The drawing illustrates an embodiment of the invention and does not include any new matter.

Objection to claim 28

Claim 28 has been amended to remove the phrase “some unvoiced tone” and also to make clear that the claim relates to voicing a piano. Applicants respectfully submit that the amendments cure the grounds for objecting to the claim.

Rejection of claim 25 under § 112

Claim 25 has been amended to remove the reference to MATLAB. Applicants respectfully submit that the amendment cures the grounds for rejection of the claim.

Rejection of claims 1-28 under § 101 as being drawing to non-statutory subject matter.

Applicants respectfully disagree with the Examiner’s assertion that the present claims relate solely to a computer program. It is clear from a review of the specification and claims that the claims cannot be carried out without an actual piano.

Nonetheless, claims 1 and 28 have been amended to clarify that the claimed method is a method for voicing a piano and to include an explicit voicing step. In view of these amendments, the mere fact that a computer may be used to store a library of data that is used for part of the inventive method does not render the claims non-statutory. As the claims are now written, the cover a method for voicing a piano using a voicing technique that is supplied and/or selected by a computer.

By way of comparison, Applicants invite the Examiner to consider US Patent 5,117,727, the claims of which appear to be at least as much about software as the present claims.

Applicants respectfully submit that the claims as presently amended are in fact statutory subject matter. Applicants therefore request that the Examiner withdraw this rejection.

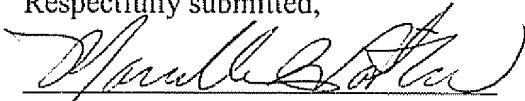
Art of Record

Applicants agree with the Examiner that the art of record does not render the present claims unpatentable. Milne '807 relates to car audio systems; Wright '713 relates to mass spectrometry; Shtehnhauz '074 relates to the manufacture of automobile tires; Green relates to acoustic actuation of wellbore tools; and Markow relates to the use of acoustic power spectra to detect hardware performance. None of these fields have anything to do with piano voicing or the presently claimed concepts.

Conclusion

Applicant believes that these amendments place all of the claims in condition for allowance. Entry of the amendments and allowance of the case is therefore respectfully requested. In the event that an extension of time is necessary in order for this submission to be considered timely filed, please consider this a Request for Extension of Time, and the Commissioner is authorized to charge the fee to Deposit Account 03-2769 of Conley Rose, P.C., Houston, Texas. If the Examiner has any questions or comments, or otherwise feels it would be advantageous, he is encouraged to telephone the undersigned at (713) 238-8043.

Respectfully submitted,



Marcella D. Watkins

Reg. No. 36,962

CONLEY ROSE, P.C.

P. O. Box 3267

Houston, Texas 77253-3267

(713) 238-8000

ATTORNEY FOR APPLICANT